

EPHRAIM SPRAGUE.

APRIL 12, 1842.

Read, and laid upon the table.

Mr. COWEN, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to whom was referred Senate bill No. 61, entitled "An act for the relief of Ephraim Sprague," report:

That said bill is in the following words:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be allowed and paid to Ephraim Sprague, of the county of Will, and State of Illinois, out of any money in the Treasury of the United States not otherwise appropriated, the sum of one hundred dollars, the value of a wagon and harness unavoidably abandoned and lost on the waters of Rock river, during the campaign against the Sac and Fox Indians, in the summer of the year eighteen hundred and thirty-two, while in the military employment of the United States. Passed the Senate February 18, 1842.

"Attest:

ASBURY DICKINS, Secretary."

There is no report accompanying this bill, and the committee are therefore unable to determine upon the principles on which it passed through the Senate, and are compelled to examine the whole case as though it were originally before them. There is no petition accompanying the papers, and the committee are left to learn the nature and extent of the claim principally from the affidavit of the claimant, in which he states that, in the year A. D. 1832, he lost a span of horses, a two-horse wagon and harness, while they were in the employment of the United States, engaged in the Black Hawk war, near Rock river, in the State of Illinois; that said property was engaged in hauling the baggage of Colonel Jacob Fry's regiment, in the brigade commanded by General Henry Atkinson. He says they were taken into the service at the risk of the United States, and that said property was lost by hard usage and the want of sufficient forage. He further states that he was in another division of the army at the time said property was lost, and that it was abandoned in order to pursue the Indians with greater speed.

J. D. Scott and M. S. Link state that they were present when said property was taken into the service of the Government, and that it was appraised at three hundred dollars; that said property was unavoidably abandoned near Rock river, on the 18th day of July, 1832, without neglect or fault of the owner, as the horses were unable to perform labor for want of forage.

Colonel Fry says that the property was taken into the service and used for the purpose of hauling baggage, until the horses became poor and unable to travel, when they were abandoned, and the wagon and harness were continued in service until they were abandoned on Rock river, in order to pursue the Indians with greater speed.

It was to be supposed that this property, if taken into the service, would have been reported to the War Department, and that official evidence of its impressment, &c., would be found in that Department, or with the claim of the petitioner in the Treasury Department.

Accordingly the proper inquiries were made by the former chairman of the Committee of Claims, and in reply was informed by the Third Auditor of the Treasury that, in June, 1834, the said claimant forwarded to his office a claim for a two-horse wagon and harness, claimed to have been lost in Colonel Fry's regiment, which claim was rejected on the ground that no provision had then been made for the payment for such losses. It is somewhat remarkable that the wagon and harness should then have been claimed, but nothing said about the horses.

The Third Auditor, in answer to a letter from the petitioner, enclosing said claim, informed him that, at a previous period, several claims had reached his office without containing any intimation of what person had forwarded them.

That, on referring to these claims, there appeared to be one from the petitioner, for a horse lost on the 12th of July, 1832, valued at seventy-five dollars, and that it appeared from the papers relating to said claim, that the claimant belonged to Captain Barrow's company, and that the horse was lost on a forced march from Rock river to Fort Winnebago. The Third Auditor, in answer to the inquiries made by the then chairman of this committee, stated that, in the accounts of Major Brant, (who is supposed to have been a paymaster,) there are vouchers for the hire of teams of Ephraim Sprague, one of oxen and one of horses; the latter of which is in the following words: "For services of my team of two horses, wagon, and harness, with a driver, in transporting baggage for the army, under General H. Atkinson, from Fort Wilburn to different places, from the 15th until the 25th July, 1832—\$120." The correctness of this charge is certified to by "Enoch T. March, quartermaster general Illinois militia." It further appears from the proofs that the petitioner lived in Lapelle county, Illinois, through which the said river runs; but how said property was from the residence of the petitioner, at the time of its abandonment, does not appear. The country there is generally prairie, on which both horses and black cattle are not only fed but fattened, at the season of the year when it would appear that these horses were abandoned. It is also noticed by the committee, that neither the witnesses nor the petitioner attempts to say that the property was not subsequently regained by the petitioner. The property was left for the purpose of pursuing the Indians, who were leaving that part of the country; and there is no probability, from the testimony, that the horses or other property came into their hands. What, then, became of it? If these horses, wagon, and harness, were lost at the time stated, why were they not included in the claim made by the petitioner in the year A. D. 1833? Why were they omitted while the petitioner was prosecuting his claim for a single horse? And why, also, were the horses entirely omitted in the claim for the wagon and harness in 1834?

The manner in which these claims have been brought before the Treasury Department demands scrutiny at the hands of the committee. Finding that at one time he claims compensation for a horse, and after the lapse of a year or two, he claims compensation for a wagon and harness, but says nothing about horses, and at another time he claims compensation for *two* horses, a wagon and harness, as being lost on the 17th July, 1832, while the records show that he received compensation for a wagon, horses, and harness, from the 15th to the 28th July, and for a driver during the same time, the committee are at once impressed with the absolute propriety of hearing the reasons for not producing the testimony of the driver in support of the claim. He, having the team in charge at the time, must have been able to state all the facts; but his deposition is not produced, neither is there any reason assigned for its non-production; while the witnesses who have given testimony, give but vague, indefinite, and unsatisfactory relation of facts, on which the committee feel that they would not be justified in recommending relief. They therefore recommend to the House for adoption the following resolution:

Resolved, That said bill ought not to pass.